

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RANDY BARAO,

Case No. 2:22-cv-01776-MMD-EJY

Petitioner,

v.

ORDER

STATE OF NEVADA, *et al.*,

Respondents.

Petitioner Randy Barao, a Nevada prisoner, has filed an application to proceed *in forma pauperis* ("IFP Application") and a habeas petition. (ECF Nos. 1, 1-1.)

The matter has not been properly commenced because the IFP Application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and LR LSR 1-2, a petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Barao has not complied with either requirement. Because it is incomplete, the application will be denied, and the present action will be dismissed without prejudice.

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied.

It is further ordered that the motion for appointment of counsel (ECF No. 1-2) is denied as moot.


It is further ordered that this action is dismissed without prejudice to the filing of a new petition in a new action with either the \$5.00 filing fee or a properly completed application to proceed *in forma pauperis* on the Court's approved form with the required attachments.

1 It is further ordered that a certificate of appealability is denied, as jurists of reason
2 would not find the Court's dismissal of this improperly commenced action without
3 prejudice to be debatable or incorrect.

4 The Clerk of Court is directed to send Barao two copies each of an application
5 form to proceed *in forma pauperis* for incarcerated persons and a noncapital § 2254
6 habeas petition form, one copy of the instructions for each form, and a copy of the papers
7 that he submitted in this action.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 25th Day of October 2022.

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13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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